

**Introduced by Senator Hancock**

February 24, 2012

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An act to amend Section 65470 of the Government Code, relating to local government.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1417, as introduced, Hancock. Local government.

Existing law establishes the Transit Priority Project Program, and authorizes a city or county to participate in the program by adopting an ordinance indicating its intent to participate in the program and by forming an infrastructure financing district.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 65470 of the Government Code is  
2     amended to read:  
3     65470. (a) (1) It is the intent of the Legislature to provide a  
4     process for cities and counties to create development patterns in  
5     the form of transit priority projects that comply with Chapter 4.2  
6     (commencing with Section 21155) of Division 13 of the Public  
7     Resources Code, create jobs, reduce vehicle miles traveled, expand  
8     the availability of accessible open-space, build the density needed  
9     for transit viability, and meet regional housing targets.  
10    (2) It is the intent of the Legislature that, when implemented, a  
11    Transit Priority Project Program will help a development project

1 in meeting the standards for expedited review under paragraph (2)  
2 of subdivision (a) of Section 65950.

3 (b) (1) A city or county may participate in the Transit Priority  
4 Project Program by adopting an ordinance indicating its intent to  
5 participate in the program and by forming an infrastructure  
6 financing district pursuant to Article 1 (commencing with Section  
7 53395) of Chapter 2.8 of Part 1 of Title 5.

8 (2) Nothing in this article shall be construed to add to the  
9 definitions of, or to the requirements to implement, Chapter 4.2  
10 (commencing with Section 21155) of Division 13 of the Public  
11 Resources Code.

12 (c) If a city or county elects to participate in the program by  
13 adopting the ordinance described in subdivision (b) and forms an  
14 infrastructure financing district, the city or county shall amend, if  
15 necessary, the general plan and any related specific plan to  
16 authorize participating developers to build at an increased height  
17 of a minimum of three stories within the boundaries of the  
18 infrastructure financing district created pursuant to subdivision  
19 (b).

20 (d) A Transit Priority Project Program development project  
21 shall meet all of the following requirements:

22 (1) Is located in a designated transit priority project and within  
23 one-half of one mile of a transit station, pursuant to Section 21155  
24 of the Public Resources Code.

25 (2) Is located within a zone in which buildings of three stories  
26 or more are authorized.

27 (3) Meets State Air Resources Board land use guidelines with  
28 respect to distance from major emitters.

29 (4) Provides onsite bicycle parking.

30 (5) Provides for car sharing if a car sharing program is available  
31 in the city or county. The car sharing area may be onsite, or the  
32 developer may pay a fee to the city or county to cover the cost of  
33 providing for car sharing at an offsite location near the project.  
34 The developer shall provide one car share for the first 20 units and  
35 one car share for every 50 units thereafter.

36 (6) Provides unbundled parking.

37 (7) Provides to all units transit passes for 10 years as part of the  
38 rent or condo fees if transit passes are available from local  
39 providers.

1 (8) Provides to tenants recycling for bottles, cans, paper, and  
2 plastic containers.

3 (9) Provides open space onsite, including, but not limited to,  
4 accessible roof gardens, or pays a fee into a fund established for  
5 local open space. The fee shall not exceed 10 cents (\$0.10) per  
6 square foot.

7 (10) Provides 20 percent affordable units in rental or owner  
8 occupied housing for low- or moderate-income persons and  
9 families, or pays a fee in an amount equivalent to the cost to  
10 provide affordable units elsewhere within the city's or county's  
11 jurisdiction, as determined by the city or county. The developer  
12 shall require, by covenants or restrictions, that the housing units  
13 built pursuant to this paragraph shall remain available at affordable  
14 housing cost to, and occupied by, persons and families of low- or  
15 moderate-income households for the longest feasible time, but for  
16 not less than 55 years for rental units and 45 years for  
17 owner-occupied units.

18 (11) Pays prevailing wages to construction workers for  
19 residential projects over 100 units pursuant to Sections 1770, 1773,  
20 and 1773.1 of the Labor Code.

21 (12) For purposes of this subdivision, "unbundled parking"  
22 means renting a parking space for the residential units separately  
23 from the residential units, or ~~pays~~ *paying* a fee to the appropriate  
24 local transit management fund to cover one-half of the cost to  
25 provide a parking space.

26 (e) (1) A development project that meets the criteria established  
27 in subdivision (d) shall comply with any local design guidelines  
28 that were adopted prior to the submission of the project application.

29 (2) The infrastructure financing district formed pursuant to  
30 subdivision (b) may reimburse a developer of a project that is  
31 consistent with the requirements established in subdivision (d) for  
32 any permit costs, or costs associated with the construction of the  
33 affordable housing units required pursuant to paragraph (10) of  
34 subdivision (d).

35 (f) This article shall not apply to a city or county that has  
36 adopted language in its charter or by ordinance or resolution that  
37 does either of the following:

38 (1) Provides that the requirements of Chapter 1 (commencing  
39 with Section 1720) of Part 7 of Division 2 of the Labor Code do

1 not apply to some or all work awarded or funded by the city or  
2 county that would otherwise be subject to those requirements.  
3 (2) Prohibits a contractor, subcontractor, or other person or firm  
4 engaged in the construction, rehabilitation, alteration, conversion,  
5 extension, maintenance, repair, or improvement of public works,  
6 from executing or otherwise becoming a party to any prehire,  
7 collective bargaining, or similar agreement entered into with one  
8 or more labor organizations, employees, or employee  
9 representatives that establishes the terms and conditions of  
10 employment on a construction project, or the city or county from  
11 incorporating such an agreement into the bid specifications or  
12 contract for a construction project, or the governing body of the  
13 city or county from deciding that the city or county should enter  
14 into such an agreement for a particular construction project or  
15 projects.